

**RECEIVED**  
MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS  
JUN 04 2024

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

FILED  
DOCKETED \_\_\_\_\_  
DATE \_\_\_\_\_  
INITIAL \_\_\_\_\_

**Form 4. Motion and Affidavit for Permission to Proceed in Forma Pauperis**

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form04instructions.pdf>

9th Cir. Case Number(s)

24-2966

Case Name

Martinez-Hernandez v. Garland

**Affidavit in support of motion:** I swear under penalty of perjury that I am financially unable to pay the docket and filing fees for my appeal. I believe my appeal has merit. I swear under penalty of perjury under United States laws that my answers on this form are true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Signature

Dm'11

Date

5/29/2024

The court may grant a motion to proceed in forma pauperis if you show that you cannot pay the filing fees **and** you have a non-frivolous legal issue on appeal.

Please state your issues on appeal. (*attach additional pages if necessary*)

The agencies, "IJ" and "BIA", erred as a matter of law by not addressing competency issues. The IJ and BIA failed to address the cumulative effects on Petitioner, as required by law. The IJ and BIA erred by not finding past-persecution, which entitles a presumption of future persecution. The IJ and BIA overlooked the testimony and mischaracterized it. The IJ and BIA applied a legally erroneous standard. Thus, the decision cannot stand. See Petition for Review and Stay Motion.

Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)

1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$	\$ 0	\$
Self-Employment	\$ 0	\$	\$ 0	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and Dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child Support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment Payments	\$ 0	\$	\$ 0	\$
Public-Assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify) <b>NONE</b>	\$ 0	\$	\$ 0	\$
<b>TOTAL MONTHLY INCOME:</b>	\$ 0	\$	\$ 0	\$

Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)

2. List your employment history for the past two years, most recent employer first.  
(Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
NONE	N/A	From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
NONE	N/A	From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
NONE	N/A	From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
NONE	N/A	From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>

3. List your spouse's employment history for the past two years, most recent employer first.  
(Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
N/A	N/A	From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
N/A	N/A	From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
N/A	N/A	From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>
N/A	N/A	From <input type="text"/> To <input type="text"/>	\$ <input type="text"/>

4. How much cash do you and your spouse have? \$

~~0~~

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount You Have	Amount Your Spouse Has
NONE	N/A	\$ <del>0</del>	\$ <del>0</del>
NONE	N/A	\$ <del>0</del>	\$ <del>0</del>
NONE	N/A	\$ <del>0</del>	\$ <del>0</del>
NONE	N/A	\$ <del>0</del>	\$ <del>0</del>

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishing.

Home	Value	Other Real Estate	Value
NONE	\$ <del>0</del>	N/A	\$ <del>0</del>

Motor Vehicle 1: Make & Year	Model	Registration #	Value
NONE	N/A	N/A	\$ <del>0</del>
Motor Vehicle 2: Make & Year	Model	Registration #	Value
NONE	N/A	N/A	\$ <del>0</del>

Other Assets	Value
NONE	\$ <del>0</del>
NONE	\$ <del>0</del>
NONE	\$ <del>0</del>

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse	Amount owed to you	Amount owed to your spouse
NONE	\$ <del>0</del>	\$ <del>0</del>
NONE	\$ <del>0</del>	\$ <del>0</del>
NONE	\$ <del>0</del>	\$ <del>0</del>

7. State the persons who rely on you or your spouse for support. If a dependent is a minor, list only the initials and not the full name.

Name	Relationship	Age
NONE	N/A	N/A
NONE	N/A	N/A
NONE	N/A	N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
- Are real estate taxes included? <input type="radio"/> Yes <input type="radio"/> No		
- Is property insurance included? <input type="radio"/> Yes <input type="radio"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Home maintenance (repairs and upkeep)	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Food	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Clothing	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Laundry and dry-cleaning	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Medical and dental expenses	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Transportation (not including motor vehicle payments)	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Recreation, entertainment, newspapers, magazines, etc.	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Insurance (not deducted from wages or included in mortgage payments)		
- Homeowner's or renter's	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
- Life	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
- Health	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
- Motor Vehicle	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
- Other <input type="text" value="NONE"/>	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>
Taxes (not deducted from wages or included in mortgage payments)		
Specify <input type="text" value="NONE"/>	\$ <input type="text" value="0"/>	\$ <input type="text" value="0"/>

	You	Spouse
Installment payments		
- Motor Vehicle	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
- Credit Card (name) <input type="text" value="NONE"/>	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
- Department Store (name) <input type="text" value="NONE"/>	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Alimony, maintenance, and support paid to others	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Regular expenses for the operation of business, profession, or farm (attach detailed statement)	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
Other (specify) <input type="text" value="NONE"/>	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>
<b>TOTAL MONTHLY EXPENSES</b>	\$ <input type="text" value="0"/>	\$ <input type="text" value=""/>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months? ☐ Yes ☒ No

If Yes, describe on an attached sheet.

10. Have you spent—or will you be spending—any money for expenses or attorney fees in connection with this lawsuit? ☐ Yes ☒ No

If Yes, how much? \$

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I am physically detained under ICE custody in Pahrump, Nevada without any income, employment, job, property, financial resources or cash in hand.

12. State the city and state of your legal residence.

City

State

Your daytime phone number (ex., 415-355-8000)

Your age  Your years of schooling